



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,799	06/30/2003	Nigel S. Keam	MS1-1589US	5078

22801 7590 03/09/2007
LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER

CROSS, ALAN

ART UNIT	PAPER NUMBER
----------	--------------

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/09/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/09/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

10/611,799

Applicant(s)

KEAM ET AL.

Examiner

Alan Cross

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,3,6,8,14 are rejected under 35 U.S.C. 102(e) as being anticipated by Thompson et al. (US Pub #2002/0142847).

Regarding claim 1: Thompson discloses a method for managing a plurality of virtual items during computer game play, the method comprising: indicating to a game player during game play the plurality of virtual items to be obtained as possessions by the game player, at least a portion of the plurality of virtual items comprising attributes, obtaining the plurality of virtual items with the game player; indicating as being possessed by the game player at least a portion of the obtained plurality of virtual items; filtering the obtained plurality of virtual items based on their attributes; and displaying the filtered obtained plurality of items in a game inventory (pg. 1, parag. 0015).

Regarding claim 3: Thompson discloses the method of claim 1, further comprising constructing the first and second filter and filtering with the first and second filter the obtained plurality of virtual items based on their attributes (pg. 1, parag. 0031).

Regarding claim 6: Thompson discloses the method of claim 3, wherein a plurality of items included in the inventory are accessed using a plurality of filters wherein each filter is used to select virtual items having associated attributes that match different predetermined attributes associated with the filter (pg. 3, para. 0033).

Regarding claim 8: Thompson discloses the method of claim 1, wherein only those virtual items that satisfy a query that corresponds to the filter are selected by the filter (pg. 1, para. 0013).

Regarding claim 14: Thompson discloses the method of claim 1, further comprising displaying virtual items that include attributes that match predetermined attributes queried by a selected filter (pg. 2 para. 0026).

Claims 23,26-28,31-32,34,36 are rejected under 35 U.S.C. 102(b) as being anticipated by Seven Kingdoms II: The Fryhtan Wars (released July 1999).

Regarding claim 23: Seven Kingdoms II discloses computer game further comprising: a game display, the game display: virtual item icons indicating a plurality of virtual items collected by a game player during play of the computer game, at least a portion of the plurality of virtual items comprising attributes, and an inventory management portion, the inventory management portion further includes: an inventory filter icon that can be selected to yield a selected inventoried package display (game manual pg. 23, 25), the selected inventoried package display displays zero or more virtual item icons, each displayed virtual item icon represents a virtual item that includes the attributes filtered based on the inventory filter icon (Nationality Filter, Object filter).

Art Unit: 3714

Seven Kingdoms II is a computer readable medium executed on a computer, which is also known as a game apparatus , having a game display.

Regarding claim 26,34: Seven Kingdoms II discloses the computer game claim 23, wherein a game developer defines the inventory filter icon. As described by the game manual it would be inherent that the game developer created the icons or else they would not be described in the game and game manual. Seven Kingdoms II also discloses computer executable instructions.

Regarding claim 27: Seven Kingdoms II discloses the computer game of claim 23, wherein the game display further includes an a game screen where the game action by a virtual game player is being portrayed (screen shot).

Regarding claim 28: Seven Kingdoms II teach the computer game claim 23, wherein the a computer game is operative to a plurality of items for a game, and the apparatus displays only those items that satisfy search criteria as set forth by the attributes filtered by the inventory filter icon (game manual pg. 23)

Regarding claim 30: Seven Kingdoms II teach the computer game of claim 23, wherein the computer game highlights the attributes of certain desirable virtual items to a player (game manual pg. 23)

Regarding claim 31: Seven Kingdoms II discloses a computer readable medium having computer executable instructions which, when executed by a processor, causes the processor to: indicate a plurality of virtual items to be obtained as possessions by a virtual game player during the play of a computer game, at least a portion of the plurality of virtual items comprising attributes: collect at inventory the plurality of virtual items with

Art Unit: 3714

the game player: selected a filter to apply to the inventory based on the attributes of at least one of the plurality of virtual items that are used within the computer game: and apply a filter to an inventory based on at least one of the attributes (game manual p.7, and p23).

Regarding claim 32: Seven Kingdoms II discloses the computer executable instructions of claim 31, further comprising constructing the filter. This is inherent of the game because the game developer constructed the filters that they have defined therefor constructing the filter.

Regarding claim 36: Seven Kingdoms II discloses the computer executable instructions claim 31, further comprising indicating a filter to select; and displaying of a game player only those virtual items that satisfy a query that corresponds to the selected filter (game manual p 23, nationality filter, object filter, p. 25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2,4,5,7,9-13,15-20,22,35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of Seven Kingdoms II (published).

Regarding claim 2: Thomson teaches the method of claim 1, wherein the game player is a virtual game player. In any game board or electronic a character is a virtual character that you control or is part of the game.

Regarding claim 4: Thompson discloses the method of claim 3, further comprising constructing the first filter by the game player (pg. 3, para. 0039) except and constructing the second filter by a game developer. It is well known to have many different filters to filter through a database of information where filters are created by users and developers. Seven Kingdoms II teaches a nationality filter, an object filter (game manual pg. 23). It also teaches a menu with items that will show info about them (game manual pg. 25). It would have been obvious to one of ordinary skill in the art to modify Thompson with the teaching of Seven Kingdoms II so that there would be filters that the game developer constructed. This would make it easier for a user by not having them figure out what aspects of the game to filter out, or select.

Regarding claim 5: Thompson teaches the method of claim 4, further comprising selecting by the game player either the first filter or the second filter to obtain the plurality of virtual items based on there attributes (pg. 2, 0027). It is also well known in the art to allow a user to select options to further their game play.

Regarding claim 7,35: Thompson teaches the method of claim 6, wherein certain ones of the plurality of filters in clued a queries that are defined by a player of the game (pg. 3, parg. 0039), except the other ones of the plurality of filters include queries are defined by a game developer. Seven Kingdoms II teaches where the game has predefined filters set by the game developer. It is well known for a game to have predetermined filters and options for the user that were designed by the game developer. It would have been obvious to one of ordinary skill in the art to modify Thompson with the teaching of Seven Kingdoms II to have game developer defined filters. This would make a game users playing experience better by not requiring them to create options and filters that would help them progress the game, the filters would be there already for them to use.

Regarding claim 9: Thompson teaches the method of claim 8, and is fully capable where the virtual items are displayed over an inventory management portion of the display.

Regarding claim 10: Thompson teaches the method of claim 8, except wherein the query includes a structured query language (SQL) query. It is well known in the art to use structured query language to search for items in a database.

Regarding claim 11: Thompson teaches the method of claim 1, except wherein there are a plurality of filters, and each filter is indicated by a distinct inventory filter icon. Seven Kingdoms II teaches filter icons (screen shot). It would have been obvious to one of ordinary skill in the art to modify Thompson with the teaching of Seven Kingdoms II to use icons to represent filters. It is well known in the art to have icons for filters and objects in the game. This makes for easy recognition and use of the filters and objects.

Regarding claim 12: Thompson teaches the method of claim 11, except further comprising selecting a virtual item icon to display the virtual item corresponding to the virtual item icon. Seven Kingdoms II teaches where a virtual item icon is selected the game then applies the virtual icon. It would have been obvious to one of ordinary skill in the art to modify Thompson with Seven Kingdoms II to have the virtual icon correspond to its described action. Its obvious to have a virtual icon that when selected will have an action occur corresponding to the icon.

Regarding claim 13: Thompson teaches the method of claim 1, wherein the filter is displayed as a portion of a user interface, further comprising the player at least partially defining the filter (pg. 3, parag. 0032). The user may influence the control to give them a feeling of control and ownership.

Regarding claim 15-18: Thomson teaches the method of claim 14, wherein a mouse, joystick computer display button, or computer display menu is used to select the filter. It is well known to use many different input means to select and control the user interface in a game.

Regarding claim 19, 20: Thomson teaches the method of claim 1, except wherein the filter is represented by a name, or a symbol. Seven Kingdoms II teaches where a filter is represented by a name or a symbol (game manual pg 23,25). It would have been obvious to one of ordinary skill in the art to modify Thompson with the teaching of Seven Kingdoms II to use a name or a symbol to represent a filter. It is obvious that a game would have to represent the object to the user in a way that the user would be able to decipher what it was so using a name or a symbol would be an obvious way of conveying this message.

Regarding claim 22: Thomson teaches the method of claim 3, further comprising enabling the first filter a first virtual item: and altering the attributes of the first virtual item to enable the second filter to filter the virtual item and disable the first filter from filtering the first virtual item (pg. 3, 0039).

Claims 21,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson and Seven Kingdoms II further in view of Motor City Online.

Regarding claim 21: Thompson teaches the method of claim 1, except further comprising altering the attribute of the virtual item. Motor City Online teaches altering the attribute of the virtual item by setting item price, and as the item is used it decreases in value. It would have been obvious to one of ordinary skill in the art to modify Thompson with the teaching of Motor City Online of altering the attribute of the virtual item. This would allow a user to customize an item for there own use, which would give the user a feeling of control and authorship.

Regarding claim 24: Seven Kingdoms II teach computer game of claim 23, except wherein dragging a virtual item icon associated with one of the virtual items to a different location on the game display alters the attributes of that virtual item. Motor City Online teaches when you use a virtual item such as a car part or a car it will wear out and loose its value as it would in real life. It would have been obvious to one of ordinary skill in the art to modify Seven Kingdoms II to use the teaching of Motor City Online when using a virtual item the game display alters the attributes of that virtual item, by changing its value, or usage value. This would give a user authorship and control over a game giving them the feel of real life consequences.

Claims 25,29,33,37-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seven Kingdoms II in view of Thompson.

Regarding claim 25: Seven Kingdoms II teach the computer game of claim 23, except wherein a player defines the inventory filter icon. Thompson teaches a where a user can customize there own filter, and it would be fully capable of setting a icon to that filter for later use. It would have been obvious to one of ordinary skill in the art to modify Seven Kingdoms II to use the teaching of Thompson to where the user could define there own inventory icon. This would give them a feeling of control over the game and would help them remember the filter that they created to further their status in the game.

Regarding claim 29: Seven Kingdoms II teaches the computer game of claim 23, except wherein a game player provides attributes and selects items based on the

Art Unit: 3714

criteria using a user interface, Thompson teaches wherein a player provides attributes and then selects the items they want to use (pg. 3, para. 0039).

Regarding claim 33,38: Seven Kingdoms II teaches the computer executable instructions of claim 31, except wherein a player of the game defines the filter. Thompson teaches wherein a player of the game constructs the filter. (pg. 3, para. 0039). It would have been obvious to one of ordinary skill in the art to modify the game of Seven Kingdoms II to allow a user to define their own filter. This would allow a user to have a feeling of control and set the game up so that they would be able to be more successful using a filter they created.

Regarding claim 37: Seven Kingdoms II teaches the apparatus comprising a game server (game manual pg. 17), the game server at least partially includes an inventory management portion, the inventory management portion further includes an inventory filter icon that can be selected to yield a selected inventoried package display, the selected inventoried package display displays at least one virtual item icon, each displayed virtual item icon represents a virtual item that includes the attributes filtered by the inventory filter icon (game manual pg. 23). Thompson also teaches a game server where filters are applied (pg. 3, para. 0039).

Regarding claim 39: Seven Kingdoms II teaches the apparatus of claim 37, wherein the virtual items are obtained as possessions by capturing the virtual items from virtual game players during the play of the computer game (pg. 34, capturing towns)

Regarding claim 40: Seven Kingdoms II teaches the apparatus of claim 37, where the game display further includes a game screen where game action by a virtual game player is being portrayed (screen shot).

Regarding claim 41: Seven kingdoms II teaches the apparatus of claim 37, wherein the apparatus searches a plurality of items for a game, and the apparatus displays only those items that satisfy search criteria as set forth by the attributes filtered as a result of selecting by the inventory filter icon (game manual pg. 23).

Regarding claim 42: Seven Kingdoms II teaches the apparatus of claim 37, except wherein a player indicates attributes and attributes of the virtual items are filtered based in the criteria using a user interface. Thompson teaches wherein a player provides attributes and selects items based in the criteria using a user interface (pg. 2, parg. 0027,0030)

Regarding claim 43: Seven Kingdoms II teaches the apparatus of claim 37, wherein the apparatus provides an indication to highlights the attributes of certain desirable virtual items by a player (game manual pg. 23). It would have been obvious to highlight items filtered so that the filter would do some good and show the needed items and not everything.

Response to Arguments

Applicant's arguments filed 12/8/06 have been fully considered but they are not persuasive. Applicant alleges that items filtered by Thomson are not virtual, where any

Art Unit: 3714

item in a game whether being played on a computer or in a game board is a virtual item.

Seven Kingdoms does display filtered items by clicking on the nationality or object filter.

Buildings and game people are the inventory of the game player, where the buildings and towns captured are then in the player's inventory. These icons are filtering what the player has in their control which is considered their inventory.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cross whose telephone number is 571-272-5529. The examiner can normally be reached on 8-4 M-F.

Art Unit: 3714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARC 571-272-5529



Robert E Pezzuto
Supervisory Patent Examiner
Art Unit 3714